

Applicant Details

First Name	Maximillian
Middle Initial	D
Last Name	McDonald
Citizenship Status	U. S. Citizen
Email Address	mmcdonald@jd24.law.harvard.edu
Address	<div><div>Address</div><div>Street</div><div>60 Kirkland St, APT 2L</div><div>City</div><div>Cambridge</div><div>State/Territory</div><div>Massachusetts</div><div>Zip</div><div>02138</div><div>Country</div><div>United States</div></div>
Contact Phone Number	2066690227

Applicant Education

BA/BS From	Eastern Washington University
Date of BA/BS	June 2020
JD/LLB From	Harvard Law School
	https://hls.harvard.edu/dept/ocs/
Date of JD/LLB	May 23, 2024
Class Rank	School does not rank
Law Review/Journal	Yes
Journal(s)	Journal of Law and Technology
Moot Court Experience	No

Bar Admission

Admission(s)	Other
Other Bar Admission(s)	USPTO Patent Bar

Prior Judicial Experience

Judicial Internships/Externships	Yes
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Post-graduate Judicial Law Clerk **No**

Specialized Work Experience

Specialized Work Experience **Patent**

Recommenders

Cratsley, John
jcratsley@law.harvard.edu
Pimentel, David
dpimentel@uidaho.edu
208-885-2255
Bagley, Margo
margo.a.bagley@emory.edu
4047278293

References

COL Roman Ortega, romanortegajr@gmail.com, 815-710-0272

SFC(R) Kellet Sayre, kellett.sayre@gmail.com, 253-219-6117

This applicant has certified that all data entered in this profile and any application documents are true and correct.

June 25, 2023

The Hon. John Holcomb

District Judge

U.S. District Court for the Central District of California

411 W. 4th St.

Santa Ana, CA 92701

Dear Judge Holcomb

I am a rising third-year student at Harvard Law School and I am applying for a 2025 clerkship in your chambers. I am pursuing a career in patent litigation and clerking at the Central District of California would give me in-depth legal knowledge into the craft of legal research, writing, and litigation—especially as it applies to patents and intellectual property.

I cultivated my passion for patent law in the summer of 2022 at Haynes Boone, LLP, and summer of 2023 at Desmarais LLP, where I successfully navigated my first experiences in patent prosecution and litigation. Additionally, while at Harvard Law School, I served as a judicial extern for The Honorable Royce Lamberth in the U.S. District Court of the District of Columbia, as well as a Line Editor and Subciter for the *Journal of Law and Technology*. I am also an active member of the Armed Forces Association, a Captain in the Army Reserves, and continue to give back to the veteran community through pro bono work. Previously, I honed my technical skills while at Army Cyber Headquarters in Augusta, GA by completing my Cyberspace Capability Developer certificate.

My completed Patent Bar exam and Bachelor of Science in Electrical Engineering would further help me contribute to the work of your chambers. I have enclosed my resume, writing sample, and transcript. Letters of recommendation will follow from the following individuals:

- Professor Margo Bagley
- Professor David Pimentel
- Professor John Cratsley

I would welcome any available opportunity to interview with you. Thank you in advance for your time and consideration.

Sincerely,



Maximillian McDonald

MAXIMILLIAN MCDONALD

Cambridge, MA 02114 • (206) 669-0227 • mmcdonald@jd24.law.harvard.edu

EDUCATION

Harvard Law School, Cambridge, MA

Candidate for J.D., May 2024

- *Line Editor and sub-citer*, Journal of Law and Technology
- *Chair of the Board and Stage Manager*, Harvard Law Drama Society

University of Idaho College of Law, Moscow, ID

Completed first year, 2021-2022 (transferred to Harvard Law School); Rank 1; Invited to join Law Review

Eastern Washington University, Cheney, WA

B.S., *magna cum laude* in Electrical Engineering, June 2020

University of Washington, Seattle, WA

B.S., Speech Pathology & Audiology, June 2009

CERTIFICATIONS

Patent Bar, United States Patent and Trademark Office, (Registration Number: 80649), January 2022

Cyberspace Capability Developer, United States Army Cyber Command, January 2021

EXPERIENCE

Desmarais, LLP, New York, NY

Summer Associate, Intellectual Property and Patent Litigation, Summer 2023

U.S. District Court for the District of Columbia, The Hon. Royce Lamberth, Washington, D.C.

Judicial Extern, Fall 2022

- Researched and wrote entire initial judicial opinion to deny benefits in a social security benefit case
- Presented in weekly conferences, providing legal analysis and research for current caseload
- Communicated with judge and clerks regarding scope of research and focus of judicial decisions

Haynes and Boone, LLP, Dallas, TX

Summer Associate, Patent Prosecution, Summer 2022

- Drafted patent applications, responded to USPTO actions, and assisted in USPTO proceedings
- Assisted attorneys with intellectual property litigation of patents, trademarks, and copyrights

United States Army Reserve

Assistant Professor of Military Science, Moscow, ID, 2021 – 2022

- Supervise, mentor, and train 78 cadets in Army leadership and tactics
- Create curriculum to teach squad/platoon level tactics and leadership IAW Army Cadet Command policy

Deputy Fusion Chief, Fort Gordon, GA, 2020 – 2021

- Led, coached, and mentored a section of 15 soldiers, civilians, and contractors tasked with providing intelligence support to global cyberspace operations and electronic warfare force management
- Drafted reports and created presentations supporting global cyberspace, electromagnetic warfare, and information operations by providing over 30 all-source intelligence products on nation-state adversaries

Company Commander, Joint Base Lewis-McChord, WA, 2018 – 2020

- Commanded, trained, and oversaw operations and logistics of a 100-person military intelligence company

Joint Special Operations Command (JSOC) Intelligence Officer, BAF, Afghanistan, 2016 – 2017

- Managed training for 120+ Airborne System Operators (ASO) per Army, Air Force, and Navy policy

Platoon Leader, Joint Base Lewis-McChord, WA, 2013 – 2016

- Planned and executed individual Soldier training and platoon collective training for a military intelligence platoon

OTHER

- Received Security Clearance at Top Secret/SCI w/ CI Polygraph level
- Awarded numerous military honors including Meritorious Service Medal, Air Medal w/ Combat Device, Army Commendation Medal, Afghanistan Campaign Medal w/ Campaign Star, and NATO Medal

Harvard Law School

Unofficial Transcript

Maximillian D McDonald
2L, Section 8

June 2, 2023

First year completed at University of Idaho.

Fall 2022 Term: Sep 1 - Dec 31

Code	Title	Instructor	Grade	Credits
2079	Evidence	Murray	P	2.00
2197	Patent Law	Bagley	P	3.00
2000	Administrative Law	Freeman	P	4.00
8099	Independent Clinical - U.S. District Court for the District of Columbia	Cratsley	CR	3.00
			Subtotal:	12.00

Winter 2023 Term: Jan 1 - Jan 31

Code	Title	Instructor	Grade	Credits
2249	Trial Advocacy Workshop	Sullivan	CR	3.00
			Subtotal:	3.00

Spring 2023 Term: Feb 1 - May 31

Code	Title	Instructor	Grade	Credits
2042	Copyright	Okediji	P	4.00
2560	International Business Law	Wu	P	4.00
2195	Negotiation Workshop	Hebel	P	4.00
			Subtotal:	12.00

Fall 2023 Term: Aug 30 - Dec 15

Code	Title	Instructor	Grade	Credits
2086	Federal Courts and the Federal System	Field	~	5.00
3181	Polarities: Harnessing the Power of Opposites to Lead Effectively	Miller	~	2.00
2043	Copyright and Trademark Litigation	Cendali	~	2.00
2934	Patent Trial Advocacy	Tompros	~	3.00
3263	Negotiating Across Worldviews	Seul	~	3.00
Projected Subtotal:				15.00

Spring 2024 Term: Jan 22 - May 10

Code	Title	Instructor	Grade	Credits
2169	Legal Profession	Gordon-Reed	~	3.00
Projected Subtotal:				3.00
Projected Total:				45.00

(/StudentSelfService/)

McDonald, Maximillian D.

Student Academic Transcript

Academic Transcript

Transcript Level

All Levels

Transcript Type

Unofficial Transcript

Student Information

Institution Credit

Transcript Totals

This is not an official transcript. Courses which are in progress may also be included on this transcript.

Student Information

Name

Maximillian D
McDonald

Curriculum Information

J.D.

Program

Juris Doctor

College

Law

Major and
Department

Law, Law

Institution Credit

Term : Fall 2021

College

Law

Major

Law

Academic Standing

Good Standing

Additional Standing

Dean's List

Subject	Course	Campus	Level	Title	Grade	Credit Hours	Quality Points	R
LAW	805	Moscow	LA	Civil Procedure & Intro to Law	A	2.000	8.00	
LAW	807	Moscow	LA	Property	A	4.000	16.00	
LAW	809	Moscow	LA	Torts	A	4.000	16.00	
LAW	813	Moscow	LA	Contracts I	A	2.000	8.00	
LAW	815	Moscow	LA	Legal Writing & Analysis	P	0.000	0.00	I
LAW	817	Moscow	LA	Academic Skills Lab I	P	1.000	0.00	
LAW	821	Moscow	LA	Legal Research	B+	1.000	3.33	

Term Totals (Law)	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term	14.000	14.000	14.000	13.000	51.33	3.94
Cumulative	14.000	14.000	14.000	13.000	51.33	3.94

Term : Spring 2022

College

Law

Major

Law

Academic Standing

Good Standing

Additional Standing

Dean's List

Subject	Course	Campus	Level	Title	Grade	Credit Hours	Quality Points	R
LAW	806	Moscow	LA	Civil Procedure II	A	3.000	12.00	
LAW	812	Moscow	LA	Criminal Law	A	3.000	12.00	
LAW	814	Moscow	LA	Contracts II	A	3.000	12.00	
LAW	815	Moscow	LA	Legal Writing & Analysis	A	5.000	20.00	I
LAW	816	Moscow	LA	Constitutional Law I	A	3.000	12.00	

Term Totals (Law)	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term	17.000	17.000	17.000	17.000	68.00	4.00
Cumulative	31.000	31.000	31.000	30.000	119.33	3.97

Transcript Totals

Transcript Totals - (Law)	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Total Institution	31.000	31.000	31.000	30.000	119.33	3.97
Total Transfer	0.000	0.000	0.000	0.000	0.00	0.00
Overall	31.000	31.000	31.000	30.00	119.33	3.97

Academic Transcript

00885932 Maximillian D. McDonald
Oct 16,2020 06:33 am

This is not an official Eastern Washington University transcript. Courses which are in progress may also be included on this transcript.

Transfer Credit Institution Credit Transcript Totals

Transcript Data

STUDENT INFORMATION

Name : Maximillian D. McDonald
Birth Date: 23-JAN

Curriculum Information

Bachelor of Science
Major and Department: Electrical Engineering,
Mech Engr & Technology

***Transcript type: Web Transcript is NOT Official ***

DEGREES AWARDED

Awarded: Bachelor of Science Degree Date: Jun 12,2020
Institutional Honors: magna cum laude

Curriculum Information

Major: Electrical Engineering

TRANSFER CREDIT ACCEPTED BY INSTITUTION -Top-

: University of Washington							
Subject	Course	Title	Grade	Credit Hours	Quality Points	R	
ENGL	101	COMPOSITN: EXPOSITN	T 1.8	5.000	9.00		
		Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:		5.000	5.000	5.000	5.000	9.00	1.80

Unofficial Transcript

: University of Washington							
Subject	Course	Title	Grade	Credit Hours	Quality Points	R	
GEGR	LH1	COMPOSITION: LIT	T 1.8	5.000	9.00		
		Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:		5.000	5.000	5.000	5.000	9.00	1.80

Unofficial Transcript

: University of Washington							
Subject	Course	Title	Grade	Credit Hours	Quality Points	R	
ECON	200	INTRO MICROECON	T 1.8	5.000	9.00		
PSYC	100	INTRO TO PSYCH	T 2.3	5.000	11.50		
UNIV	LEL	AIR/SPACE VEHICLES	T 3.2	5.000	16.00		
		Attempt	Passed	Earned	GPA	Quality	GPA

			Hours	Hours	Hours	Hours	Points	
Current Term:			15,000	15,000	15,000	15,000	36.50	2.43
	Unofficial Transcript							
:	University of Washington							
Subject	Course	Title	Grade	Credit Hours	Quality Points			R
CSCD	210	COMPUTER PRGRMNG I	T 2.9	4,000			11.60	
ECON	201	INTRO MACROECON	T 2.4	5,000			12.00	
GECR	LH2	INTRO TO THEATRE	T 2.2	5,000			11.00	
		Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA	
Current Term:		14,000	14,000	14,000	14,000	34.60		2.47
	Unofficial Transcript							
:	University of Washington							
Subject	Course	Title	Grade	Credit Hours	Quality Points			R
ACCT	261	INTRODUCTION TO LAW	T W	5,000			0.00	
CSCD	211	COMPUTER PRGRMNG II	T W	5,000			0.00	
UNIV	LEL	W-WRITING IN C LIT	T W	5,000			0.00	
		Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA	
Current Term:		0,000	0,000	0,000	0,000	0.00		0.00
	Unofficial Transcript							
:	University of Washington							
Subject	Course	Title	Grade	Credit Hours	Quality Points			R
ACCT	251	ACCTG & FIN REPRNG	T 1.6	5,000			8.00	
CMST	201	INTRO TO PUBLIC SPK	T 1.5	5,000			7.50	
UNIV	LEL	TECHNOLOGY & SOCIETY	T 3.0	5,000			15.00	
		Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA	
Current Term:		15,000	15,000	15,000	15,000	30.50		2.03
	Unofficial Transcript							
:	University of Washington							
Subject	Course	Title	Grade	Credit Hours	Quality Points			R
CMST	326	PUBLIC DEBATE	T 2.1	5,000			10.50	
SOCI	101	SURVEY SOCIOLOGY	T 0.0	5,000			0.00	
UNIV	EW1	W-WRITING/SOC SCI	T 1.1	5,000			5.50	
		Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA	
Current Term:		10,000	10,000	10,000	15,000	16.00		1.06
	Unofficial Transcript							
:	University of Washington							
Subject	Course	Title	Grade	Credit Hours	Quality Points			R
UNIV	LEL	W-WRITING HUM	T W	5,000			0.00	
UNIV	LEL	CINEMA CRIME SCENES	T W	5,000			0.00	
UNIV	UEL	INDEPENDENT FLDWK	T W	3,000			0.00	

		Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:		0,000	0,000	0,000	0,000	0,00	0,00
Unofficial Transcript							
:		University of Washington					
Subject	Course	Title	Grade	Credit Hours	Quality Points	R	
CMST	200	RPT - INTRO TO COMM I	T 2.4	0,000		0,00	
CSCD	211	COMPUTER PRGRMNG II	T 2.5	5,000		12,50	
UNIV	LEL	W-WRITING IN C LIT	T 3.5	5,000		17,50	
		Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:		10,000	10,000	10,000	10,000	30,00	3,00
Unofficial Transcript							
:		University of Washington					
Subject	Course	Title	Grade	Credit Hours	Quality Points	R	
CMST	200	INTRO TO COMM II	T 2.7	5,000		13,50	
UNIV	LEL	INTRO LING THOUGHT	T 3.2	5,000		16,00	
UNIV	LEL	MID/REN LIT	T 3.4	5,000		17,00	
		Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:		15,000	15,000	15,000	15,000	46,50	3,10
Unofficial Transcript							
:		University of Washington					
Subject	Course	Title	Grade	Credit Hours	Quality Points	R	
BACR	LHA	INTRO INTELL HIST	T W	5,000		0,00	
UNIV	UEL	W-MANAGE HUMAN ASSETS	T 1.6	3,000		4,80	
UNIV	UEL	W-SECTS AND VIOLENCE	T 1.1	5,000		5,50	
		Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:		8,000	8,000	8,000	8,000	10,30	1,28
Unofficial Transcript							
:		University of Washington					
Subject	Course	Title	Grade	Credit Hours	Quality Points	R	
SPAN	102	ELEMENTARY SPANISH	T 3.0	5,000		15,00	
SPAN	103	ELEMENTARY SPANISH	T 3.5	5,000		17,50	
		Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:		10,000	10,000	10,000	10,000	32,50	3,25
Unofficial Transcript							
:		University of Washington					
Subject	Course	Title	Grade	Credit Hours	Quality Points	R	
UNIV	LEL	SURVEY OF PHYSIOL	T W	5,000		0,00	
UNIV	UEL	HEARING DISORDERS	T W	3,000		0,00	
UNIV	UEL	INTRO LING PHONET	T W	5,000		0,00	

		Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:		0,000	0,000	0,000	0,000	0,00	0,00
Unofficial Transcript							
:		University of Washington					
Subject	Course	Title	Grade	Credit Hours	Quality Points	R	
UNIV	LEL	HUMAN CMU DISORDERS	T 3.7	5,000		18,50	
UNIV	LEL	THE NATURE OF SOUND	T 3.6	4,000		14,40	
UNIV	UEL	SYNTAX I	T 1.6	5,000		8,00	
		Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:		14,000	14,000	14,000	14,000	40,90	2,92
Unofficial Transcript							
:		University of Washington					
Subject	Course	Title	Grade	Credit Hours	Quality Points	R	
UNIV	UEL	DEV ASPECTS COMMUN	T 2.5	5,000		12,50	
UNIV	UEL	HEARING SCIENCE	T 2.7	5,000		13,50	
UNIV	UEL	ANAT PHYSLGY SPEECH	T 2.5	5,000		12,50	
		Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:		15,000	15,000	15,000	15,000	38,50	2,56
Unofficial Transcript							
:		University of Washington					
Subject	Course	Title	Grade	Credit Hours	Quality Points	R	
UNIV	UEL	HEARING DISORDERS	T 3.3	3,000		9,90	
UNIV	UEL	INTRO LING PHONET	T 3.2	5,000		16,00	
		Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:		8,000	8,000	8,000	8,000	25,90	3,23
Unofficial Transcript							
:		University of Washington					
Subject	Course	Title	Grade	Credit Hours	Quality Points	R	
UNIV	LEL	SURVEY OF PHYSIOL	T 2.0	5,000		10,00	
UNIV	UEL	UNDERGRAD RESEARCH	T 4,0	2,000		8,00	
UNIV	UEL	SPEECH & LANG DIS	T 3.4	5,000		17,00	
		Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:		12,000	12,000	12,000	12,000	35,00	2,91
Unofficial Transcript							
:		University of Washington					
Subject	Course	Title	Grade	Credit Hours	Quality Points	R	
UNIV	UEL	W-DIAG SP LANG DISRDR	T 0.9	3,000		2,70	
UNIV	UEL	BASIC AUDIOMETRY	T 2.2	5,000		11,00	
UNIV	UEL	SPEECH, LANG, BRAIN	T 2.0	5,000		10,00	
		Attempt	Passed	Earned	GPA	Quality	GPA

			Hours	Hours	Hours	Hours	Points	
Current Term:			13.000	13.000	13.000	13.000	23.70	1.82
	Unofficial Transcript							
:	University of Washington							
Subject	Course	Title	Grade	Credit Hours	Quality Points			R
UNIV	UEL	MGMT HEARING LOSS	T 0.0	4.000				0.00
UNIV	UEL	W-TRETMT SP LG DISRDR	T 0.0	4.000				0.00
		Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA	
Current Term:		0.000	0.000	0.000	8.000	0.00		0.00
	Unofficial Transcript							
:	Negative Credit - Over Max Cre							
Subject	Course	Title	Grade	Credit Hours	Quality Points			R
ZNEG	DEGRE	BA DEGREE - OVER MAX CR	T	70.750				0.00
		Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA	
Current Term:		70.750	70.750	70.750	0.000	0.00		0.00
	Unofficial Transcript							
:	Excelsior College							
Subject	Course	Title	Grade	Credit Hours	Quality Points			R
UNIV	LEL	EC SUCCESS SEMINAR	T 4.0	4.500				18.00
UNIV	LEL	PHYSICS I LABORATORY	T 4.0	1.500				6.00
UNIV	UEL	PROJECT MANAGEMENT	T 4.0	4.500				18.00
		Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA	
Current Term:		10.500	10.500	10.500	10.500	42.00		4.00
	Unofficial Transcript							
:	Excelsior College							
Subject	Course	Title	Grade	Credit Hours	Quality Points			R
UNIV	UEL	BUSINESS ETHICS	T 4.0	4.500				18.00
		Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA	
Current Term:		4.500	4.500	4.500	4.500	18.00		4.00
	Unofficial Transcript							
:	American Council on Education							
Subject	Course	Title	Grade	Credit Hours	Quality Points			R
UNIV	LDV	INTERCULTURAL COMMUNICATIONS	T	6.750				0.00
		Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA	
Current Term:		6.750	6.750	6.750	0.000	0.00		0.00
	Unofficial Transcript							
:	Advanced Placement Credit							

Subject	Course	Title	Grade	Credit Hours	Quality Points		R
MATH	121	STATISTICS	T P	5.000			0.00
MATH	161	CALCULUS AB	T P	5.000			0.00
UNIV	LEL	PHYSICS B	T P	5.000			0.00
		Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:		15,000	15,000	15,000	0.000	0.00	0.00

Unofficial Transcript

INSTITUTION CREDIT -Top-

Term: Winter Quarter 2018

Academic Standing: Good Standing

Additional Standing: Dean's List

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	R
MATH	162	PB	CALCULUS II	4.0	5.000	20.00	
MATH	231	PB	LINEAR ALGEBRA	4.0	5.000	20.00	
PHYS	151	UG	GENERAL PHYSICS I	P	4.000	0.00	
TCOM	205	PB	INTRO TO TECH COMMUNICATION	4.0	5.000	20.00	

Term Totals (Post Baccalaureate - Quarter)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	15.000	15.000	15.000	15.000	60.00	4.00
Cumulative:	15.000	15.000	15.000	15.000	60.00	4.00

Term Totals (Undergraduate - Quarter)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	4.000	4.000	4.000	0.000	0.00	0.00
Cumulative:	4.000	4.000	4.000	0.000	0.00	0.00

Unofficial Transcript

Term: Spring Quarter 2018

Academic Standing: Good Standing

Additional Standing: Dean's List

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	R
CHEM	151	PB	GENERAL CHEMISTRY	4.0	5.000	20.00	
EENG	160	PB	DIGITAL CIRCUITS	4.0	4.000	16.00	
MATH	163	PB	CALCULUS III	4.0	5.000	20.00	
PHYS	152	PB	GENERAL PHYSICS II	4.0	4.000	16.00	

Term Totals (Post Baccalaureate - Quarter)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	18.000	18.000	18.000	18.000	72.00	4.00
Cumulative:	33.000	33.000	33.000	33.000	132.00	4.00

Unofficial Transcript

Term: Summer Quarter 2018

Academic Standing: Good Standing

Additional Standing: Dean's List

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	R
EENG	209	PB	CIRCUIT THEORY I	4.0	5.000	20.00	

MATH	241	PB	CALCULUS IV	4.0	5.000	20.00
MATH	347	PB	INTRO DIFFERENTIAL EQUATIONS	4.0	4.000	16.00
TECH	393	PB	TECHNOLOGY WORLD CIVILIZATION	4.0	4.000	16.00

Term Totals (Post Baccalaureate - Quarter)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	18.000	18.000	18.000	18.000	72.00	4.00
Cumulative:	51.000	51.000	51.000	51.000	204.00	4.00

Unofficial Transcript

Term: Fall Quarter 2018

Academic Standing: Good Standing

Additional Standing: Dean's List

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	R
EENG	210	PB	CIRCUIT THEORY II	A	5.000	20.00	
EENG	250	PB	DIGITAL HARDWARE	A	2.000	8.00	
EENG	260	PB	MICROCONTROLLER SYSTEMS	A	4.000	16.00	
EENG	383	PB	APPLIED STOCHASTIC PROCESSES	A-	4.000	14.80	
EENG	388	PB	STOCHASTIC PROCESSES LAB	A-	1.000	3.70	

Term Totals (Post Baccalaureate - Quarter)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	16.000	16.000	16.000	16.000	62.50	3.90
Cumulative:	67.000	67.000	67.000	67.000	266.50	3.97

Unofficial Transcript

Term: Winter Quarter 2019

Academic Standing: Good Standing

Additional Standing: Dean's List

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	R
EENG	320	PB	SIGNALS AND SYSTEMS I	A-	5.000	18.50	
EENG	330	PB	MICROELECTRONICS I	A-	5.000	18.50	
PHYS	299	PB	DS/GENERAL PHYSICS III	A	4.000	16.00	

Term Totals (Post Baccalaureate - Quarter)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	14.000	14.000	14.000	14.000	53.00	3.78
Cumulative:	81.000	81.000	81.000	81.000	319.50	3.94

Unofficial Transcript

Term: Spring Quarter 2019

Academic Standing: Good Standing

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	R
EENG	321	PB	SIGNALS AND SYSTEMS II	W	0.000	0.00	
EENG	331	PB	MICROELECTRONICS II	A	5.000	20.00	
EENG	350	PB	ENERGY SYSTEMS	A	5.000	20.00	

Term Totals (Post Baccalaureate - Quarter)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	15.000	10.000	10.000	10.000	40.00	4.00

Cumulative: 96,000 91,000 91,000 91,000 359.50 3.95

Unofficial Transcript

Term: Summer Quarter 2019

Academic Standing: Good Standing

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	R
EENG	321	PB	SIGNALS AND SYSTEMS II	A	5,000	20.00	
EENG	495	PB	INTERNSHIP	W	0,000	0.00	

Term Totals (Post Baccalaureate - Quarter)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	10,000	5,000	5,000	5,000	20.00	4.00
Cumulative:	106,000	96,000	96,000	96,000	379.50	3.95

Unofficial Transcript

Term: Fall Quarter 2019

Academic Standing: Good Standing

Additional Standing: Dean's List

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	R
EENG	360	PB	HARDWARE DESCRIPTION LANGUAGES	A	5,000	20.00	
EENG	401	PB	ENGINEERING APPLIED EM	A-	5,000	18.50	
EENG	420	PB	DIGITAL SIGNAL PROCESSING	A	5,000	20.00	
EENG	499	PB	DS/IMG PROC, RECONST & ANALYSI	P	2,000	0.00	

Term Totals (Post Baccalaureate - Quarter)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	17,000	17,000	17,000	15,000	58.50	3.90
Cumulative:	123,000	113,000	113,000	111,000	438.00	3.94

Unofficial Transcript

Term: Winter Quarter 2020

Academic Standing: Good Standing

Additional Standing: Dean's List

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	R
EENG	461	PB	EMBEDDED SYSTEMS DESIGN	A	5,000	20.00	
EENG	470	PB	CONTROL SYSTEMS	B+	5,000	16.50	
EENG	490A	PB	SR CAPSTONE: DESIGN LAB I	A	2,000	8.00	

Term Totals (Post Baccalaureate - Quarter)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	12,000	12,000	12,000	12,000	44.50	3.70
Cumulative:	135,000	125,000	125,000	123,000	482.50	3.92

Unofficial Transcript

Term: Spring Quarter 2020

Academic Standing: Good Standing

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	R
EENG	440	PB	DIGITAL COMMUNICATION SYSTEMS	C	5,000	10.00	
EENG	462	PB	REAL TIME EMBEDDED SYSTEMS	A	5,000	20.00	

EENG 490B PB SR CAPSTONE: DESIGN LAB II A 3,000 12.00

Term Totals (Post Baccalaureate - Quarter)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	13.000	13.000	13.000	13.000	42.00	3.23
Cumulative:	148.000	138.000	138.000	136.000	524.50	3.85

Unofficial Transcript

TRANSCRIPT TOTALS (POST BACCALAUREATE - QUARTER) -Top-

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Total Institution:	148.000	138.000	138.000	136.000	524.50	3.85

Unofficial Transcript

TRANSCRIPT TOTALS (UNDERGRADUATE - QUARTER) -Top-

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Total Institution:	4.000	4.000	4.000	0.000	0.00	0.00

Unofficial Transcript

Financial Aid Eligibility Menu

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June 25, 2023

The Honorable John Holcomb
Ronald Reagan Federal Building and
United States Courthouse
411 West Fourth Street, Room 9-160
Santa Ana, CA 92701

Dear Judge Holcomb:

I am very pleased to write this letter of recommendation for Max McDonald, one of the top students in my section of the January 2023 Trial Advocacy Workshop at Harvard Law School. I also was the faculty supervisor during the Fall Semester 2022 for his Independent Clinical placement with the Honorable Royce Lamberth of the US District Court for the District of Columbia.

In each of these instances, I observed Max's different talents. In our three-week intensive Trial Advocacy Workshop, he did an outstanding job developing all the courtroom skills, from direct and cross examination to opening and closing arguments. He was conscientious, well-prepared, and noticeably aggressive as a student advocate in what are role-playing trial situations. His enthusiasm for trial work was evident as was his ability to work on a team as each mock trial required partners to work together. In one of his final trial cross-examinations, I took particular note of how crisp and pointed his leading questions were, face to face with the witness with no notes to aid him.

I reviewed his major writing project from his judicial internship and found it comprehensive and well written. It involved judicial review of an administrative law judge's decision in a Social Security Disability case. The record was huge and his care in reviewing it and applying relevant case law on the standards for district court review was impressive. This was a remote internship, and I was pleased, knowing all the challenges of Zoom, that he received favorable evaluations from his supervising law clerk in all categories, concluding with "Max did good work for us".

What stands out for me about Max is that he took the initiative, after finishing first in his class at the University of Idaho Law School, to successfully transfer to Harvard Law School. He came to see me soon after his arrival to ask about doing an Independent Clinical under my supervision. He knew almost no one at Harvard Law School. I admired his energy and initiative and was delighted to see it play out in his weekly Reflections required by his judicial internship. They were thoughtful and reflected the lessons he was learning writing for the judge and senior law clerk. When we next met in my section of the January 2023 Trial Advocacy Workshop, the same energy, initiative, and desire to learn was evident. He excelled in this class. I could tell at this point he was comfortable working with others, a collaborator and team player.

When you consider his military experience, membership in the Patent Bar, and accomplishments at Harvard Law School, I am confident in recommending Max for a Clerkship on the Court of Appeals for the Federal Circuit.

Sincerely yours,

Honorable John C. Cratsley (Retired), Team Leader of Section V, Trial Advocacy Workshop, Co-Director of the Judicial Process in Trial Courts Clinic and Class, Lecturer on Law, Harvard Law School

John Cratsley - jcratsley@law.harvard.edu

June 26, 2023

The Honorable John Holcomb
Ronald Reagan Federal Building and
United States Courthouse
411 West Fourth Street, Room 9-160
Santa Ana, CA 92701

Dear Judge Holcomb:

I am happy to write this recommendation of Mr. Max McDonald, who was in my Tort Law class fall semester 2021, and in my Contracts class spring semester 2022 (I don't normally teach second-semester Contracts, but I was filling in for a colleague who was on sabbatical). Our 1L classes can be large (65 students), so it is often difficult to get well acquainted with individual students, especially during a COVID year when the students were in masks most of the time. But Mr. McDonald stood out.

He sat near the front and was always prepared and always fully engaged in the material. He frequently raised questions, very good ones, and elevated the level of classroom discussion with his comments. He also came to me in office hours, with probing queries that revealed both how hard he had worked to understand the material, but also a keen sensitivity to the policy issues behind the legal doctrines we were studying.

He is older than most of his classmates, and he accordingly brings more life experience to the classroom. He also has a military background and had been teaching—as I understand it—in University of Idaho's ROTC program. Both of these factors played a role, I believe, in the attitude with which he approached his studies, and his relationship with me as a professor. While he was always ready to push back against ideas he disagreed with, he was unfailingly respectful in all such interactions.

Early on, I could tell he was a strong student because of how he responded when called upon, and because his quiz scores were consistently high. It was not a surprise, therefore, to find him scoring as one of the top three students in my Torts class and, the following semester, as the top student in my Contracts class. While he stood out conspicuously in his class at University of Idaho, I believed his manifest talents would cause him to stand out at the best law schools in the country, including the ones I attended (Berkeley and Harvard). Accordingly, I did not hesitate to support his transfer application to Harvard Law School; I had no doubt he would do well there.

I have been a law professor for sixteen years now, after sixteen years working for the federal courts and for the United Nations (reforming foreign court systems and supporting judges in their work, both in the federal courts and at an international war crimes tribunal). In this time, I have employed many students and young lawyers – early in their careers – to support the judges' tasks in chambers. I can assure you that Mr. McDonald is among the very best of them.

Over my years in the federal judiciary and at a UN war crimes tribunal, working closely with judges, I developed considerable familiarity with judges' needs and demands. I think I know what you're looking for. Based on that experience, and my experience with Mr. McDonald, I believe he has all the qualities to be an outstanding clerk. Accordingly, I recommend him to you most highly.

Sincerely,

David Pimentel
Professor of Law
University of Idaho

David Pimentel - dpimentel@uidaho.edu - 208-885-2255

June 25, 2023

The Honorable John Holcomb
Ronald Reagan Federal Building and
United States Courthouse
411 West Fourth Street, Room 9-160
Santa Ana, CA 92701

Dear Judge Holcomb:

Maximillian (Max) McDonald has asked me to write a letter supporting his application for a position as a law clerk in your chambers. It is my great pleasure to do so. Max is an exceptionally accomplished, intelligent, mature, talented, and hard-working individual and I urge you to consider giving him the honor and opportunity of clerking for you.

Max was a student in my Patent Law course at Harvard Law School in Fall 2022. The class included several students, such as Max, who had successfully passed the United States Patent & Trademark Office's registration exam (called the patent bar exam) before enrolling in my course. However, Max stood out early on. His preparation for and participation in class were both excellent. He exhibited a strong grasp of the material we were covering, and his insightful questions kept me on my toes! It is such a joy to have a student who really delves deeply into the subject matter and adds value to the classroom discussion.

When I reflect on Max's in-class performance, I consider it even more striking in light of the fact that he was a transfer student who had just arrived at Harvard that semester and was acclimating to a very different community and learning environment. But his ability to quickly adjust and contribute (which will be of value in your chambers, Judge) is a key part of who Max is, as evidenced by his fascinating journey to Harvard Law School.

Every individual's story is unique, but Max takes unique to a whole different level. Max has been, among many other things, a chauffeur, a college dropout, then first generation college graduate (magna cum laude) with a degree in electrical engineering, a steel mill furnace operator, decorated Army officer who served in Afghanistan, Army cyber threat intelligence officer with top secret clearance, military science professor, and so much more. He has helped protect our country against threats, foreign and domestic, and trained many others to do the same using his keen intellect and communicative abilities, and honing skills in strategy, observation, and leadership. Through his externship with the Honorable Royce Lamberth, and his summer work with Haynes and Boone, LLP, he has also demonstrated strong writing skills and confirmed that his ability to work well on a team translates to the legal arena.

Although he is friendly and appears easy-going, grit and determination are key qualities that Max has demonstrated throughout his life. For example, Max originally received rejections from every law school to which he applied. While that would have discouraged many applicants, that just made Max more determined. He called the University of Idaho School of Law and asked if they were still accepting applications, found out they were, and applied and was accepted. Moreover, he then ended his first year there ranked #1 in his class! Max pushes himself, does not stop at closed doors, and takes failure as an incentive to start again. He combines maturity, determination, intelligence, ability, and friendliness in a way that is destined to lead to a successful career in the law and to success in life.

Max has integrated well into the Harvard Law School community and is involved in several extracurricular activities, including the Harvard Journal of Law and Technology and the Harvard Law Drama Society, the latter showing his diverse interests and community focus. Max's personal drive and his breadth of experiences have clearly contributed to the success he is enjoying at Harvard.

In terms of personal qualities, Max is a hard worker, focused and mature, with strong organizational skills and a pleasant, courteous personality. His experience as a decorated Army Commander and his many contributions to protecting the safety of our country and its interests are all very strong indicators that he will continue to excel in developing his legal acumen and that he will effectively contribute to the decisions crafted in your chamber.

Judge, I believe you will find Max to be a loyal and exceptionally intellectually stimulating colleague, as well as a productive and insightful one. In light of Max's strong intellectual and personal qualities, I feel confident that he will superbly fulfill his clerkship duties and I believe that he would be an outstanding clerk. I am pleased to recommend him for a clerkship in your chambers.

Please contact me by phone (404-831-6634) or email if you would like more information about Max or if I can otherwise be of assistance to you.

Sincerely yours,

Margo A. Bagley

Hieken Visiting Professor in Patent Law
Harvard Law School (Fall 2022)
Asa Griggs Candler Professor of Law
Emory University School of Law

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Maximillian McDonald
Clerkship Writing Sample Cover Letter
June 2, 2023

The following is a writing sample I wrote during Fall 2022 at my Judicial Externship with Judge Lamberth of the United States District Court for the District of Columbia. I incorporated feedback from my supervisor, but this draft of the document has not been substantially edited by anyone but myself. This is the second draft. Portions of this document have been redacted to meet length and confidentiality requirements.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

REDACTED,

Plaintiff,

v.

Case No. REDACTED

REDACTED

Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION

Plaintiff REDACTED brings this action challenging a Social Security Administration determination that she is ineligible for disability insurance benefits pursuant to 42 U.S.C. § 405(g). Before the Court are plaintiff’s Motion for Judgement of Reversal, ECF No. 15, and defendant’s Motion for Judgment of Affirmance. ECF No. 20. Upon consideration of the parties’ briefing, the Administrative Record (“AR”) and the applicable law, this Court will **AFFIRM**.

I. BACKGROUND

The Court will begin by reviewing the statutory and regulatory scheme, followed by plaintiff’s relevant medical history, and then the procedural history of this case.

A. The Statutory and Regulatory Scheme.

Under the Social Security Act (“SSA”) a claimant can be eligible for benefits only if that person is “disabled” which requires the person to be “unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months.” 42 U.S.C. § 1382c(a)(3)(A). “To make that determination, an ALJ gathers evidence, holds a hearing, takes testimony, and performs the following five-step,

sequential inquiry of the disability claim.” *Patricia T. v. Kijakazi*, No. 21-CV-1028 (GMH), 2022 WL 3583634, at *1 (D.D.C. Aug. 22, 2022).

The five-step inquiry is as follows:

Step one: whether the claimant is engaging in “substantial gainful activity”;
 Step two: whether the claimant has a “severe” medically-determinable physical or mental impairment or combination of impairments;
 Step three: whether the claimant's impairment is equivalent to one of the disabling impairments listed in the appendix of the relevant regulation, 20 C.F.R. Pt. 404, Subpt. P, App. 1 (the “Listings”);
 After step three, the ALJ determines the claimant's residual functional capacity (“RFC”)—i.e., the most he or she is able to do notwithstanding his or her physical and mental limitations;
 Step four: whether the impairment prevents the claimant from performing his or her past relevant work; and
 Step five: whether the claimant, in light of his or her age, education, work experience, and RFC, is unable to perform another job available in the national economy.

Id. at *1–2 (footnotes omitted).

B. Plaintiff’s background information.

Plaintiff has a college education and past relevant work as an administrative assistant and waitress/server. AR 30, 50, 562. She worked as an executive secretary for REDACTED for 18 years. AR 51. She worked as a REDACTED for seven and a half years until June 2015 due to “an outburst that got me fired.” AR 50–51, 562. She confirmed that she has not applied for another job since her work stoppage. AR 51.

Plaintiff testified that she lived with her teenage daughter part-time and she also testified that she reported to consultative examiners in January 2019 that her daily living activities included: cooking two to six times a week, cleaning two to three times a week, grocery shopping one to three times a week, and doing laundry three to six times a month. AR 49, 58, 60, 572. Plaintiff has an active driver’s license. AR 50. She reported that sometimes she is too tired, in

pain, and depressed for activities, but admitted that she does watch television, listen to music, and go to her daughter's events. AR 566, 572. Plaintiff also admitted that she had a 30-pound dog, which she sometimes walks. AR 60. She described a typical day as caring for her daughter and going to appointments. AR 566.

[REMOVED TO MEET LENGTH REQUIREMENTS]

C. Plaintiff's medical history.

On August 11, 2014, plaintiff received an MRI of her lumbar spine, which revealed age advanced degenerative osseous and disc disease. AR 300–01, 304, 305, 484–85, 534–35.

On August 15, 2014, plaintiff was seen by Joseph O'Brien, MD, MPH, for complaints of mid to low back pain radiating to her buttock and the right groin. AR 502–03. She reported that the pain worsened with sitting, standing, walking, bending, and lifting, and that the pain was alleviated with ice and lying down. AR 502. Examination revealed limited range of motion through the lumbar spine, pain increasing with extension, and diminished sensation to light touch. AR 503. Dr. O'Brien diagnosed plaintiff with stenosis and extruded disc herniation, AR 503, and ordered a thyroid-stimulating hormone ("TSH") test and referred plaintiff to physical therapy and a pain management clinic. AR 501.

[REMOVED TO MEET LENGTH REQUIREMENTS]

On January 16, 2019, Plaintiff endorsed extensive psychiatric symptoms during a consultative examination with Scarlet Jett, Psy.D. AR 62–67. Her overall presentation appeared poor and she was frequently tearful over the course of the evaluation. AR 563–64.

C. Procedural History of this Case

Plaintiff filed an application for Title II Disability Insurance Benefits under the SSA on September 25, 2017. AR 54, 120, 208. Plaintiff alleged that her disability began on June 30, 2015,

due to fibromyalgia, ruptured discs, hypothyroidism, obstructive sleep apnea, chronic fatigue, anxiety, depression, PTSD, kyphoscoliosis, arthritis, and sciatica. AR 77, 78, 85, 86, 175–82. Plaintiff’s application for benefits was initially denied on January 28, 2019, and again upon reconsideration on May 29, 2019. AR 105–08, 110–13. Plaintiff requested and received a telephonic hearing which occurred on May 29, 2019. AR 121. The hearing was before Administrative Law Judge (“ALJ”) M. Krasnow. AR 43–69. Plaintiff appeared and testified and was represented by an attorney. AR 43–69. A vocational expert (“VE”) also testified at the hearing as to the jobs plaintiff could perform in the national economy. AR 43–69.

The ALJ issued a decision on June 9, 2020, finding plaintiff not disabled because she could perform sedentary work that existed in the national economy. AR 16–32. Plaintiff appealed the ALJ’s decision, and the Appeals Council subsequently denied plaintiff’s request for review. AR 1–7. Plaintiff filed this action seeking judicial review.

II. LEGAL STANDARD

The SSA gives federal district courts jurisdiction over civil cases that challenge the final decision of the Commissioner of Social Security. 42 U.S.C. § 405(g). The Court enters its judgment upon the pleadings and transcript of the record. *Igonia v. California*, 568 F.2d 1383, 1389 (D.C. Cir. 1977). The Court’s review of the Administrative Law Judge’s (“ALJ”) decision is limited to deciding whether the ALJ correctly applied the relevant legal standards and whether substantial evidence supported the ALJ’s findings. 42 U.S.C. § 405(g); *Butler v. Barnhart*, 353 F.3d 992, 999 (D.C. Cir. 2004).

A. The ALJ must follow a five-step sequential disability evaluation process (“DEP”) to determine if the claimant is disabled.

An ALJ must follow a five-step process to determine if a claimant is disabled. 20 C.F.R. § 404.1520; *Kyler v. Kiakazi*, No. 1:19-cv-03334 (CJN), 2022 WL 1165859 at *1, (D.D.C. Apr. 20,

2022). During the five-step process, if the ALJ finds that the individual is disabled or not disabled at any step, the ALJ will make a determination at that time and not move onto the next step. 20 C.F.R. § 404.1520(a)(4).

On review of the first four steps of the DEP, plaintiff “bears the burden of demonstrating that the Commissioner’s decision [was] not based on substantial evidence or that the incorrect legal standards were applied.” *Settles v. Colvin*, 121 F. Supp. 3d 163, 169 (D.D.C. 2015) (quoting *Muldrow v. Astrue*, No. 11-cv-1385 BJR/DAR, 2012 WL 2877697, at *6 (D.D.C. July 11, 2012)). On step five of the DEP, however, the burden of proof shifts to the Commissioner. *Butler*, 353 F.3d at 997. If the ALJ has met the substantial evidence threshold and applied the correct legal standards, or alternatively committed a “harmless error,” this Court may grant the Commissioner’s motion for an affirmance of the disability determination. *Grant v. Kijakazi*, No. 21-cv-00526 (ZMF), 2022 WL 2948762, at *4 (D.D.C. July 26, 2022). If, however, this Court finds a “harmful error” in the ALJ’s determination that the claimant was not disabled, it may reverse and remand, and require the SSA to conduct further proceedings consistent with the law. *Id.*

B. The substantial evidence standard requires an ALJ to build a logical bridge.

This Court reviews the ALJ’s decision under the substantial evidence standard which requires “more than a mere scintilla and means only such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Biestek v. Berryhill*, 139 S. Ct. 1148, 1154 (2019) (internal quotation marks omitted). “Substantial-evidence review is highly deferential,” *Rossello ex rel. Rossello v. Astrue*, 529 F.3d 1181, 1185 (D.C. Cir. 2008), and “[a]n ALJ’s credibility determinations, in particular, ‘are entitled to great deference.’” *Harrison Cnty. Coal Co. v. Fed. Mine Safety & Health Review Comm’n*, 790 Fed. App’x 210, 212 (D.C. Cir. 2019) (quoting *Sec’y of Labor v. Keystone Coal Mining Corp.*, 151 F.3d 1096, 1107 (D.C. Cir. 1998)). “The

reviewing court may neither reweigh the evidence presented to it nor replace the Commissioner's judgment concerning the credibility of the evidence with its own." *Goodman v. Colvin*, 233 F. Supp. 3d 88, 104 (D.D.C. 2017) (internal quotation omitted).

However, substantial evidence is not a standard of unlimited deference. To satisfy it, the ALJ must sufficiently describe his or her decision and build a "logical bridge" between the evidence and the conclusion. *Lane-Rauth v. Barnhart*, 437 F. Supp. 2d 63, 67 (D.D.C. 2006) (quoting *Scott v. Barnhart*, 297 F.3d 589, 595 (7th Cir. 2002)). A "logical bridge" is formed when the ALJ describes how the evidence supports each of the ALJ's decisions, as well as why the ALJ discounted contrary pieces of evidence. *See, e.g., id.* (remanding case where ALJ simply listed all the evidence without explaining which evidence led him to his conclusion or why he discounted contrary pieces of evidence); *Brown v. Colvin*, 219 F. Supp.3d 121, 128 (D.D.C. 2016) (holding that the ALJ did not properly form a logical bridge when evaluating a medical source by merely providing a summary of plaintiff's mental impairments along with a credibility determination of the state medical consultant's opinion). This bridge is crucial so that "this Court may 'assess the validity of the agency's ultimate findings and afford a claimant meaningful judicial review.'" *Brown v. Kijakazi*, No. 21-cv-2416-ZMF, 2022 WL 16571197, at *4 (D.D.C. Nov. 1, 2022) (citation omitted).

C. The ALJ must evaluate each medical source using the supportability and consistency factors.

Under the regulations applicable to this case,¹ ALJs in cases like this one have been directed to evaluate the persuasiveness of a medical source based on five factors: (1) supportability, (2)

¹ On January 18, 2017, the SSA adopted new rules which modify the standard for evaluating opinion evidence for claims filed after March 27, 2017. 20 C.F.R. § 404.1527; Revisions to Rules Regarding the Evaluation of Medical Evidence, 82 Fed. Reg. 5844, 5869 (Jan. 18, 2017) (to be codified at 20 C.F.R. §§ 404, 416). As this claim was filed September 25, 2017, Pl.'s Mot. for Judgment of Reversal ("Pl.'s Mot.") 1, ECF No. 15-1, the new rules apply here.

consistency, (3) relationship with the claimant, including length of treatment relationship, frequency of examinations, purpose of the treatment relationship, extent of the treatment relationship, and examining relationship, (4) specialization, and (5) other factors. 20 U.S.C. § 404.1520c(b)(1). However, the ALJ need only explain in his or her opinion how the two most important factors—supportability and consistency—were considered in the determination or decision for each medical source. *Id.* § 404.1520c(b)(2). And an ALJ may articulate how persuasive the ALJ found all of the medical opinions from a single medical source together in a single analysis. *Id.* §§ 404.1520c(b)(1), c(a).²

The ALJ properly explains the supportability factor by discussing how the medical source’s treatment notes support or contrast with the ALJ’s conclusion—instead of merely reciting a medical source’s opinion of a claimant’s limitation. *See, e.g., Patricia T.*, 2022 WL 3583634 at *15 (D.D.C. Aug. 22, 2022).³ The ALJ properly explains the consistency factor for a medical source when the ALJ discusses how the opinions of the medical source are consistent with other evidence on the record. *See, e.g., Demetria R. v. Kijakazi*, No. 20-cv-3227 (RJL/GMH), 2022 WL 3142376 at *22 (D.D.C. June 30, 2022).⁴

[REDACTED TO MEET LENGTH REQUIREMENTS]

² A “medical opinion” is “a statement from a medical source about what [a claimant] can still do despite [her] impairment(s) and whether [she] ha[s] one or more impairment-related limitations or restrictions.” 20 C.F.R. § 404.1513(a)(2).

³ In longer form, the supportability factor for medical evidence is defined in the rules as “[t]he more relevant the objective medical evidence and supporting explanations presented by a medical source are to support his or her medical opinion[s] or prior administrative medical finding(s), the more persuasive the medical opinions or prior administrative medical finding(s) will be.” 20 C.F.R. § 404.1520c(c)(1).

⁴ In longer form, the consistency factor for medical evidence is defined in the rules as “[t]he more consistent a medical opinion(s) or prior administrative medical finding(s) is with the evidence from other medical sources and nonmedical sources in the claim, the more persuasive the medical opinion(s) or prior administrative medical finding(s) will be.” 20 C.F.R. § 404.1520c(c)(2).

III. DISCUSSION

Plaintiff does not dispute the ALJ's conclusions for step one or step two of the DEP. Pl.'s Mot., 2, 14, 23. She does, however, argue that the ALJ erred in two ways during the remaining steps. First, she argues that the ALJ improperly determined that she did not meet, or medically equal, a listed impairment during step three of the DEP because the ALJ improperly evaluated the opinion of Dr. Jett. Pl.'s Mot. 23. Next, she argues that the ALJ erred in determining plaintiff's Residual Functional Capacity ("RFC")⁵ because the ALJ did not properly evaluate the medical opinions of DNP Jefferies. Pl.'s Mot. 14. This Court will address plaintiff's issues in the sequential order of the DEP as outlined in 20 C.F.R. § 404.1520. The Court ultimately finds plaintiff's arguments unpersuasive and affirms.

A. The ALJ's determination of whether plaintiff met or medically equaled listing 12.04 in step three of the DEP is supported by substantial evidence.

Plaintiff contends that the ALJ failed to properly determine whether she qualified as disabled at step three of the DEP. Pl.'s Mot., 23. During step three, the ALJ assessed whether the severe impairment of plaintiff met or medically equaled listing 12.04, 20 U.S.C. § 404.1520(a)(4)(iii). The ALJ then determined that plaintiff did not meet or medically equal listing 12.04 because Dr. Jett's opinion was only partially persuasive. Pl.'s Mot., 23.

Medical listing 12.04 describes the requirements for depressive, bipolar, and related disorders. 20 C.F.R. Pt. 404, Subpt. P, App. 1 § 12.04. To qualify for medical listing 12.04, the ALJ must conclude that plaintiff had either extreme limitation in one or marked limitation in two areas of mental functioning. *Id.* A claimant's mental impairments must satisfy one of the following

⁵ RFC is an assessment of an individual's ability to do sustained work-related physical and mental activities in a work setting on a regular and continuing basis." Social Security Ruling 96-8p ¶ 1. In short, a claimant's RFC defines a claimant's functionality given their mental and physical limitations. 20 C.F.R. § 404.1545(a). The ALJ will use an RFC assessment at both step four and step five of the DEP. *Id.*

two combinations: 1) paragraph A and paragraph B criteria, or 2) paragraph A and paragraph C criteria. *Id.* The only criteria at issue here is paragraph B,⁶ for which the ALJ must find:

- B. Extreme limitation of one, or marked limitation of two, of the following areas of mental functioning (see 12.00F):
 1. Understand, remember, or apply information (see 12.00E1).
 2. Interact with others (see 12.00E2).
 3. Concentrate, persist, or maintain pace (see 12.00E3).
 4. Adapt or manage oneself (see 12.00E4).

Id.

Plaintiff claims that the ALJ erred in two ways. First, that the ALJ improperly evaluated Dr. Jett’s opinion by not adequately discussing the supportability and consistency factors and that his rejection of the opinion lacked substantial evidence. Pl.’s Mot., 23–25. Second, plaintiff argues that the ALJ’s conclusion that plaintiff did not meet two of the paragraph B was unsupported by substantial evidence. *Id.* at 26–27. Plaintiff’s arguments are unpersuasive.

i. The ALJ adequately addressed the supportability and consistency factors of Dr. Jett’s medical opinion.

Plaintiff challenges that the ALJ did not meet his legal burden of discussing the supportability and consistency factors of Dr. Jett and, furthermore, that the ALJ’s rejection of Dr. Jett’s opinion was not supported by substantial evidence. This court disagrees on both.

The ALJ meets the legal standard of explaining the supportability factor for a medical source by discussing how the medical source’s treatment notes support or contrast with the ALJ’s conclusion, *see Patricia T.*, WL 3583634 at *15, and meets the legal standard of explaining the consistency factor for a medical source by discussing how the opinions of the medical source are consistent with other evidence on the record. *See Demetria R.*, 2022 WL 3142376 at *22. His

⁶ Here, the ALJ concluded that Plaintiff did not meet the requirements for paragraph B and paragraph C. AR 21. Plaintiff does not dispute the ALJ’s conclusion regarding paragraph C.

application of the factors and overall rejection of the opinion is subject to substantial evidence review.

The ALJ met his legal burden of discussing the supportability and consistency factors of the opinion of Dr. Jett. The ALJ specifically addresses Dr. Jett’s opinion in step three of his DEP analysis by stating:

In understanding, remembering or applying information, the claimant has a mild limitation. **Records vary** in her presentation regarding memory function. For example, her December 2018 intake form reported poor concentration and unreliable memory function; however, **the consultative examination report from Scarlett Jett, Psy. D., reported intact recent and remote memory and average cognitive function**, despite emotional distress during the evaluation (*See* Exhibits 14F and 15F). While I considered the claimant’s allegations of “brain fog” that makes it hard for her to remember things, understand, follow instructions, complete tasks, and concentrate, the mental status examinations in the record support only mild limitations in this area of functioning (Exhibit 6E/8, and 8F).

AR 20–21 (emphases added). The ALJ has accordingly satisfied the supportability factor by explaining that his conclusion of “mild limitations in this area of functioning” was supported by the treatment notes of the consultative examination report. *Id.*

The ALJ satisfied the consistency factor by addressing that “records vary” with regard to plaintiff’s mental function and then contrasting plaintiff’s December 2018 intake form, the consultative examination report from Dr. Jett, as well as plaintiff’s allegations of “brain fog.” *Id.* The ALJ further discusses the consistency of Dr. Jett’s opinion by contrasting it with several of plaintiff’s other medical sources:

Contrasting with her presentation in Dr. Jett’s examination, the claimant’s February 7, 2019 [sic] records reported she exhibited full orientation, intact recent and remote memory, judgment, insight, mood, and affect (Exhibit 19F/6). Records from Affordable Healthcare Clinic show the claimant denied psychiatric symptoms on March 4, 2019 (Exhibit 25F/5). Treatment notes dated April 8,

2019 [sic] noted the claimant reported a history of anxiety and depression (Exhibit 25F/3).”

AR 27. By discussing how plaintiff’s records vary and contrasting Dr. Jett’s examination with records from the Affordable Healthcare Clinic the ALJ met his burden of discussing the consistency of Dr. Jett’s opinion.

Based on the entirety of the record, this Court finds that the ALJ properly discussed the supportability and consistency factors of the medical opinion of Dr. Jett.

ii. The ALJ adequately considered whether plaintiff had marked limitation in her ability to interact with others and ability to adapt or manage herself.

Plaintiff alleges that the ALJ failed to adequately consider two of the four criteria to determine if plaintiff is disabled under Paragraph B of 12.04. Pl.’s Mot., 26–27. Specifically, plaintiff claims that the ALJ: (1) “failed to sufficiently assess whether plaintiff had a marked limitation in her ability to interact with others” and her ability to adapt or manage herself per listing 12.04, (2) did not refer to Ms. Frank’s treatment summaries, (3) mischaracterized plaintiff’s function report, and (4) did not make “reference to any treatment notes in the record documenting plaintiff’s interactions with medical providers that would support a finding for a more severe limitation, such as the observation of Dr. Pandarinath.” *Id.* The Court will review the ALJ’s conclusions for all claims using the substantial evidence standard. Plaintiffs’ arguments are without merit.

First, the ALJ met the substantial evidence standard when evaluating plaintiff’s ability to interact with others and adapt and manage herself. The ALJ states that plaintiff has “experienced a mild limitation” for adapting or managing herself and a “moderate limitation” in her ability to interact with others. AR 21. The ALJ lists the evidence he used to reach his conclusion by stating,

The State agency psychological consultants’ opinions found the claimant’s psychiatric conditions resulted in mild restriction in understanding, remembering,

or applying information, **and adapting and managing oneself**. Nancy Heiser, Ph.D., and Gemma Nachbahr, Ph.D., opined the claimant's mental impairments resulted in moderate restrictions in concentrating, persisting, and maintaining pace **and interacting with others**. I find the mental status examinations in the record, the consultative examination reports, and the claimant's statements generally support the degree of impairment opined by Dr. Heiser and Dr. Nachbahr as of the date they issued their opinions. Their opinions conflict with the opinions provided by Ms. Franks, Dr. Jett and Dr. Jeffries; however, these opinions appear primarily based on the claimant's subjective allegations rather than the observations of the claimant's functioning and mental status examinations throughout the record. Considering the foregoing, I find the opinions of the State agency psychological consultants partially persuasive (See Exhibits 1A, 3A, 14F, 15F, 21F, 26F, and 29F).

Id. at 29 (emphases added). The ALJ used the opinions of the state agency psychological consultants—Dr. Heiser and Dr. Nachbahr—to reach his conclusion about plaintiff's limitation in her ability to interact with others and adapt and manage herself. Both state agency psychological consultants concluded that plaintiff's mental impairments did not meet or equal Listing 12.04. *Id.* at 76, 92. Dr. Heiser opined that plaintiff had "Moderate" limitation in interacting with others and a "Mild" limitation in adapting or managing herself, *id.* at 76, and that Dr. Jett's report was an overestimate of plaintiff's limitations. *Id.* at 93. With respect to plaintiff's ability to interact with others, Dr. Heiser stated that, "[plaintiff] can interact adequately with others to perform routine tasks with occasional interaction with the public." *Id.* at 97. Dr. Nachbahr found that, "[plaintiff] appears mentally capable of performing work-related activities which involve limited interaction," *Id.* at 81. With respect to plaintiff's ability to adapt and manage herself, plaintiff reported she went to get groceries three times weekly, walked her dog, could perform household chores, care for a minor child, and was able to manage her money. *Id.* at 28, 49, 58, 60, 566, 572. Dr. Heiser specifically stated that plaintiff's "[a]daptive skills are adequate." *Id.* at 98. In making his conclusion, the ALJ stated that although the evidence on which his conclusion is based upon conflicts with other evidence in the record, "[the conflicting] opinions appear primarily based on

subjective allegations rather than the observations of the claimant's functioning and mental status examinations." *Id.* at 29. Because the ALJ listed evidence that conflicted with his conclusion as well as why he discounted that evidence, and also based his conclusion upon the recommendations of state agency psychological consultants, the ALJ's conclusion was based upon substantial evidence.

Second, the ALJ's conclusion to not adopt Ms. Franks opinion is supported by substantial evidence. The ALJ spends over half a page listing Ms. Franks' treatment notes, AR, 26–27, and as previously discussed, concluded that the opinions of Dr. Nachbahr and Dr. Heiser are more persuasive than Ms. Franks. The ALJ further supports his position regarding Ms. Franks by stating that he found her opinion only partially persuasive because "Ms. Franks' statement ... includes an intake evaluation and primarily consists of a restatement of the claimant's allegations of psychiatric limitations." *Id.* at 29. The ALJ built a logical bridge by listing the evidence contrary to Ms. Franks conclusion as well as why he preferred that evidence. The ALJ also stated that given that Ms. Franks opinion was primarily a restatement of the claimant's allegations, and as such, a reasonable mind could come to a similar conclusion as the ALJ. Therefore, when the ALJ decided to not follow the opinion of Ms. Franks, the ALJ's conclusion was based on substantial evidence.

Third, plaintiff has not demonstrated that the ALJ erred when characterizing plaintiff's function report. The ALJ concluded that the function report, among other evidence, supports a "moderate limitation" in plaintiff's ability to interact with others. AR 21. Plaintiff contends, however, that her function report supports a "marked limitation" in her ability to interact with others. *Id.* at 26–27. A "moderate limitation" is "functioning in [interacting with others] independently, appropriately, effectively, and on a sustained basis is fair," and "marked limitation"

is “functioning in [interacting with others] independently, appropriately, effectively, and on a sustained basis is seriously limited.” 20 C.F.R. Pt. 404, Subpt. P, App. 1 § 12.00.

To elevate from a “moderate” limitation to a “marked” limitation, plaintiff would need to show that her ability to interact with others independently, appropriately, and effectively, and on a sustained basis is “seriously limited” rather than just “fair.” *See id.* The ALJ concluded that, “[t]he claimant’s testimony describing interactions with her prior employer, statements in her function report regarding issues getting along with others, and the claimant’s mental status examinations support ‘moderate’ restriction in [interacting with others].” AR 21. Plaintiff’s function report⁷ was one of several sources considered in the ALJ’s conclusion. *Id.* Even if the function report describes two instances where plaintiff had heightened difficulty interacting with others,⁸ plaintiff has not shown how these events elevate her ability to interact with others from fair to severely limiting. Plaintiff bears the burden of demonstrating that the ALJ erred when characterizing plaintiff’s function report and has failed to meet that burden.

Finally, plaintiff’s argument that the ALJ did not properly reference information supporting her claim, like Dr. Pandarinath’s notes, is without basis. Plaintiff claims that “the ALJ makes no reference to any treatment notes in the record documenting plaintiff’s interactions with medical providers that would support a finding for a more severe limitation, such as the observation of Dr. Pandarinath that it was difficult to elicit history from her and that she appeared very somnolent.” Pl.’s Mot., 27. But the ALJ did consider relevant treatment notes, like Dr. Pandarinath’s, stating, “[plaintiff’s] August 4, 2017 [sic] treatment notes show her mood and affect appeared abnormal.”

⁷ The ALJ is not required to articulate how the ALJ considered medical evidence from nonmedical sources, including the claimant. 20 C.F.R. § 404.1520c(d), 1513(a)(4).

⁸ Plaintiff expressed in her function report and testimony inability to interact appropriately with authority figures in the event that someone was trying to control her and being fired for “yelling and swearing” following an interaction with a manager. AR 50–51, 242.

AR 26. In the larger context of the ALJ's conclusion, the ALJ used Dr. Pandarinath's treatment notes, in combination with plaintiff's testimony and other medical records, to show how the evidence supports a finding that the claimant's has "some limitation in [psychiatric] functioning, but not to the extent to which the claimant testified." *Id.* Plaintiff has not met her burden to demonstrate that the ALJ's discussion of the treatment notes was in error.

* * *

The ALJ's conclusion that plaintiff did not meet the criteria of Listing 12.04 paragraph B was appropriate because the ALJ discussed the relevant factors when evaluating Dr. Jett's medical opinion, adequately discussed the criteria of paragraph B and made conclusions supported by substantial evidence, and appropriately considered and disagreed with opinions from other medical sources. Because the ALJ found that plaintiff was not disabled per the criteria of step three he was next required to determine plaintiff's RFC, 20 C.F.R. §§ 404.1520(a)(4), 404.1520(e).

B. The RFC determination of plaintiff's physical limitations is supported by substantial evidence because the ALJ properly evaluated the opinion of DNP Jefferies.

[REDACTED TO MEET LENGTH REQUIREMENTS]

III. CONCLUSION

For the reasons stated above, this Court will **GRANT** defendant's motion for affirmance and **DENY** plaintiff's motion for reversal.

A separate order will issue.

Date: November ____, ____

REDACTED
United States District Judge